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UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WASHINGTON

THOMAS A. WAITE,

Plaintiff,

THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS d/b/a CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, a Utah corporation, d/b/a CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, a Utah corporation; DONALD C. FOSSUM; and STEVEN D. BRODHEAD,

Defendants.

I. RELIEF REQUESTED

All parties request their Stipulated Motion to Continue Expert Disclosure Dates be set for hearing on October 30, 2006.

II. DISCOVERY STATUS

This case arises out of a motor vehicle accident which occurred on or about August 21, 2003, that resulted in plaintiff Thomas Waite sustaining a traumatic brain

**MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF MOTION TO EXPEDITE HEARING
ON PARTIES' STIPULATED MOTION TO CONTINUE
EXPERT DISCLOSURE DATES-1**
(mem in sup of motion to expedite hearing.wpd)

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injury and orthopedic injuries. The claims include negligence against the two defendant drivers, Donald Fossum and Steven Brodhead, and additional claims against defendant LDS Church.

The parties have worked diligently to provide initial disclosures, answer discovery and schedule depositions. Counsel have deposed plaintiff Thomas Waite and plaintiff's parents. The parties have scheduled the depositions of four (4) persons identified by defendant LDS Church in Salt Lake City, Utah on November 9 and 10, 2006. Despite the parties' collective best efforts, it has taken, on average, two months to schedule the depositions taken thus far due to counsel's trial calendar.

In addition to lay depositions, the parties are beginning to schedule expert depositions in anticipation of the expert disclosure deadlines. Plaintiff's counsel has advised that they intend to identify at least five (5) experts on liability and damages and will have proposed deposition dates in January, 2007. Defendants LDS Church and Fossum expect to identify at least four (4) experts on liability and damages. Defendant Brodhead expects to identify at least four (4) experts on liability and damages. Given the current Scheduling Order, the parties believe they will be able to schedule these expert depositions prior to the current discovery cut-off of May 11, 2007. As such, the parties have agreed to stipulate to a two-week extension of the expert disclosures deadline so that the experts' reports are completed on time and contain the requisite information as required by the Court.

Given the complexity of this case, the critical importance of the parties' expert evidence, and the full schedules of trial counsel, the parties request that the expert disclosure deadlines be extended by two weeks.

**MEMORANDUM OF POINTS AND AUTHORITIES
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ON PARTIES' STIPULATED MOTION TO CONTINUE
EXPERT DISCLOSURE DATES-2**
(mem in sup of motion to expedite hearing.wpd)

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1 **III. BASIS FOR EXPEDITED HEARING**

2 The basis for expediting the hearing is two-fold:

- 3 1) The parties have agreed to the Stipulated Motion to Continue,
4 consequently, there is no reason for delay.
- 5 2) If the Stipulated Motion to Continue is granted, it will provide immediate
6 assistance to the parties who continue to use their best efforts to provide
7 their expert reports in a complete and timely manner.

8 For these reasons, and the reasons set forth in the Stipulated Motion to
9 Continue, the parties respectfully request the Court expedite its ruling.

10 DATED this 24th day of October, 2006.

11 EYMAN ALLISON FENNESSY HUNTER
12 JONES, P.S.

13 BY s/ Richard C. Eymann
14 RICHARD C. EYMAN, WSBA #7470
15 Co-counsel for Plaintiff

CERTIFICATE OF SERVICE

I, RICHARD C. EYMAN, hereby certify that on the 24th day of October, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following participants:

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s/Richard C. Eymann
RICHARD C. EYMANN

**MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF MOTION TO EXPEDITE HEARING
ON PARTIES' STIPULATED MOTION TO CONTINUE
EXPERT DISCLOSURE DATES-4**
(mem in sup of motion to expedite hearing.wpd)

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